

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13045 of 2023

Subhash Ray Son of Rajendra Ray Resident of Village-Suraudha, P.S.-
Baniyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, department of Excise,
New Secretariat, Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Officer-in-Charge of Baniyapur Police Station, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-09-2023

Heard learned counsels for the respective parties.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“That the petitioner craves indul-
gence of this Hon’ble Court for issuance of an
appropriate writ in the nature of mandamus, di-
rection the respondents to release the four
wheeler vehicle (Maruti Swift) having Registra-
tion No. BR01BK-7284, Engine No.
D13A0254218, Chassis No. MA3FHE-*



*BIS00264554 seized in connection with Baniya-
pur P.S. Case No. 100/2023, registered for the
offence punishable under Section 30 (a) of Bi-
har Prohibition and Excise Act.”*

3. The present writ petition is not maintainable for issuance of writ of mandamus or direction to the concerned authority in the absence of demand like representation or application before the competent authority which is empowered to exercise statutory duty in considering the petitioner's grievance. Therefore, writ petition is not maintainable.

4. Accordingly, the present writ petition stands disposed of as not maintainable.

5. Disposal of the present writ petition would not be a hurdle for the petitioner to submit a detailed application/representation in the prescribed form before the competent authority in the light of Rule 12 A of Bihar Prohibition and Excise Rules, 2021. If such application/representation is submitted, the concerned authority is hereby directed to take note of and decide the petitioner's application/representation within a period of two weeks from the date of receipt of such application/representation, such consideration is subject to confiscation of proceedings, if any. In



other words, petitioner’s right is protected to pursue confiscation proceedings, in accordance with law.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2023
Transmission Date	NA

